IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

OP.No. 32636 of 2001(I)

PETITIONER:

G.VIJAYAKUMARAN NAIR,
S/O.R.GOPALA PILLAI, AGED 53,
SREERAM FUEL SERVICE,
KATTAKADA.

BY ADV. SRI.G.S.REGHUNATH

RESPONDENTS:
---

1. KATTAKADA GRAMA PANCHAYAT,
REP. BY ITS SECRETARY.

2. STATE OF KERALA,
REP. BY ITS CHIEF SECRETARY,
SECRETARIAT, TRIVANDRUM.

BY SMT.SMITHA SUKUMAR, GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO. 32636/2001

ORDER ON CMP NO.53136/2001 IN O.P.NO. 32636/2001

DISMISSED.

11/12/2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE LICENCE ISSUED TO THE PETITIONER FROM THE INDUSTRIES DEPARTMENT ON 02/11/1988.

P2 : COPY OF LETTER FROM CHIEF CONTROLLER OF EXPLOSIVES ON 04/05/1999 OBTAINED BY THE PETITIONER.

P3 : COPY OF LICENCE ISSUED TO PETITIONER ON 08/04/1988.

P4 : COPY OF RECEIPT FOR PAYMENT OF PROFESSION TAX.

P5 : COPY OF R.R. DEMAND NOTICE DATED 27/04/2001 SENT TO THE PETITIONER.

P6 : COPY OF THE BILL DATED 11/05/2001 FOR RS.2,623/-.

P7 : COPY OF REPLY SENT ON 15/05/2001 BY THE PETITIONER TO THE 1ST RESPONDENT.

P8 : COPY OF THE TAX RECEIPT DATED 10/08/1999.

P9 : COPY OF NOTICE DATED 11/10/2001 RECEIVED BY PETITIONER FROM 1ST RESPONDENT.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 32636 of 2001

Dated, this the 11th day of December, 2007

J U D G M E N T

Even though the original petition was filed in 2001 and notice was issued to the Kattakkada Grama Panchayat, they have not filed any counter affidavit or statement in this Court. Petitioner is challenging demand of licence fee for the milma booth and STD booth run by the petitioner. According to the petitioner, he is paying profession tax, licence fee etc. separately and the impugned demand is, therefore, not payable. The Panchayat has not turned up to this Court. This original petition is, therefore, disposed of directing the Secretary of the Panchayat to give a detailed order to the petitioner explaining the nature of demand and the provisions under which licence fee is demanded. The petitioner can either accept it by making payment or if he has any grievance he can file appeal to the Panchayat committee. Accordingly, this original petition is disposed of directing the Secretary of the 1st respondent Panchayat to issue detailed order to the petitioner, for the petitioner to make payment or challenge the same in appeal, if he has any grievance.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg